



# Department of Justice

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## **CHINESE BUFFET OWNERS PLEAD GUILTY TO EMPLOYING ILLEGAL ALIENS**

SACRAMENTO, Calif.—United States Attorney McGregor W. Scott announced today that RUI YANG LIN, 48; BI XIA NI, 46; FA YONG NI, 48; and RU ZHU REN, 26, all of Vacaville, Calif., pleaded guilty today before United States District Judge Morrison C. England Jr. to unlawful employment of illegal aliens. In addition, RUI YANG LIN and BI XIA NI pleaded guilty to concealment of a felony.

This case is the product of an extensive investigation by the U.S. Immigration and Customs Enforcement.

According to Assistant United States Attorney Kyle Reardon, who prosecuted the case, the case involved two Asian-style buffet restaurants, King's Buffet in Vacaville and Empire Buffet in Vallejo. RUI YANG LIN was a manager of Empire Buffet. The listed owner of the business was RUI YANG LIN's daughter; however, RUI YANG LIN and his wife, BI XIA NI ran most of the day-to-day operations at the restaurant.

As managers of Empire Buffet, RUI YANG LIN and BI XIA NI hired and assisted in the hiring of employees that they knew to be illegal aliens. From at least March 16, 2008, until September 17, 2008, the hiring of illegal aliens occurred regularly by Empire Buffet and was part of a pattern of activity by the business. During this time, the business hired at least 12 undocumented workers.

Until the summer of 2008, Rui Tao Lin (another defendant but not pleading guilty today) was the owner of King's Buffet, an Asian-style buffet restaurant in Vacaville, California. Along with RU ZHU REN, Rui Tao Lin managed King's Buffet. Starting in the summer of 2008, RU ZHU REN started the process of purchasing King's Buffet from Rui Tao Lin. As the owner of King's Buffet, Rui Tao Lin hired and assisted in the hiring of employees that he knew to be illegal aliens. From at least June 2006 until on or about September 17, 2008, the hiring of illegal aliens by Rui Tao Lin occurred regularly and was part of a pattern of activity by the business. During this time, the business hired at least 13 undocumented workers. This pattern continued when RU ZHU REN started taking over.

In hiring undocumented aliens to work at the two restaurants, the businesses would contact an employment agency in Los Angeles to recruit Asian employees. Other employees, typically from Mexico and Central America, responded to "Help Wanted" notices placed in the businesses.

In order to accurately account for wage and employment taxes, California law requires employers to submit quarterly California Employment Development Department (EDD) wage reports. From April 20, 2007 to July 20, 2008, Empire Buffet's owner signed nine EDD wage reports that did not accurately account for all of the employees working at Empire Buffet. These

reports were inaccurate because they did not list the undocumented aliens who had been hired and managed by RUI YANG LIN and BI XIA NI. By failing to list these undocumented aliens, Empire Buffet was able to increase revenue at the business by hiding wage and tax information from the State of California. After being signed by the owner, the wage reports were mailed to the EDD offices in Sacramento, Calif.

RUI YANG LIN and BI XIA NI knew of the need to accurately complete the EDD forms. They also knew that the wage reports were not accurate. In spite of these facts, RUI YANG LIN and BI XIA NI did not make known to any judge or person in civil or military authority that false EDD wage reports were being submitted.

“This case serves as a stern reminder about the consequences facing employers who exploit illegal alien labor and violate our nation’s laws,” said Daniel Lane, assistant special agent in charge of the ICE Office of Investigations in Sacramento. “Businesses that use illegal alien workers to gain an economic advantage over their competition must understand they will potentially pay a price for those unlawful practices.”

In 2008, ICE made more than 1,100 criminal arrests tied to work-site enforcement investigations. Of those charged criminally in these types of cases, 130 were business owners, managers, supervisors, or human resource employees. Altogether, ICE work-site investigations yielded 881 criminal convictions last fiscal year for crimes ranging from alien harboring and knowingly hiring illegal aliens to identity theft and Social Security fraud. In addition to the criminal arrests, ICE also took 5,100 illegal aliens into custody on administrative immigration violations during work-site investigations.

To help employers build a legal workforce, the U.S. Department of Homeland Security has an initiative called the ICE Mutual Agreement between Government and Employers or IMAGE. IMAGE is designed to build cooperative relationships between the government and businesses, strengthen hiring practices, and reduce the unlawful employment of illegal aliens. The initiative also seeks to gain greater industry compliance and corporate due diligence through enhanced training and education of employers. ICE strongly encourages employers to review IMAGE program materials available at [www.ICE.gov](http://www.ICE.gov).

The defendant is scheduled to be sentenced on January 8, 2009 at 9:00 a.m. The maximum statutory penalty for unlawful employment of illegal aliens is six months in prison and a fine of \$3000 for every alien unlawfully employed. The maximum statutory penalty concealment of a felony is three years in prison, a \$250,000 fine, and a one-year term of supervised release. However, the actual sentence will be determined at the discretion of the court after consideration of the Federal Sentencing Guidelines, which take into account a number of variables, and any applicable statutory sentencing factors.

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